packets are transmitted over said virtual connection towards said destination equipment "wherein said factor is based on the length of said queue and the time taken to transmit said factor to said data-rate management processor to prevent said queue from overflowing." Hanson is silent with regard to any such feature. The Action indicates that "Hanson teaches a method of determining a channel utilization factor (column 5, lines 63-66)." Although, Hanson describes one type of channel utilization factor, Hanson does not describe a factor that is based on "the length of said queue."

Claims 2, 4, and 5 depend from claim 1 and are believed to be allowable for at least the reasons given above. In addition, claim 2 recites, for example that the factor satisfies the relationship

$$\sum_i SIR_{i,t} \le k_{TM} *TR$$

where $SIR_{i,t}$ is the rate at which the packets are sent into the network for a virtual connection i at time t, TR is the rate at which packets are transmitted over the virtual connection towards the destination equipment, and k_{TM} is equal to:

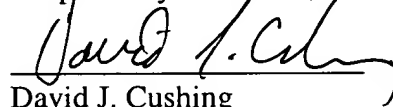$$k_{TM} = 1 + \frac{FIFO_{OVER}}{(RTD + CMP) * \lambda * TR}$$

where $FIFO_{over}$ is the number of packets that can be stored in said queue, RTD is the time taken by a packet to make a round trip over said communications network, CMP is the time of measurement of the instantaneous data-rate over the virtual connection, and λ is a constant greater than 1 based on the response times of the components of said communications network. Hanson is also silent with regard to this relationship.

AMENDMENT
U.S. Appln. No. 08/941,236

Applicant hereby petitions for any extension of time which may be required to maintain

the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to

be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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